



PUBLIC NOTICE

Federal Communications Commission
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**COMMENT SOUGHT ON PETITION FOR DECLARATORY RULING AND
MOTION TO HOLD IN ABEYANCE FILED BY
MIDWEST INDEPENDENT COIN PAYPHONE ASSOCIATION**

WC Docket No. 13-319

Comment Date: February 6, 2014
Reply Comment Date: February 21, 2014

The Midwest Independent Coin Payphone Association (MICPA or Association) filed a Petition for Declaratory Ruling with the Federal Communications Commission (Commission) on December 26, 2013.¹ The Association requests: (1) that the Commission issue an order “directing AT&T Missouri to submit to the Commission cost documentation supporting its currently effective tariffs for intrastate payphone service offerings (“Missouri Payphone Tariffs”) along with copies of the tariffs,” (2) “[a] determination and/or declaratory ruling that the Missouri Payphone Tariffs **are not** cost based, nondiscriminatory, and consistent with both section 276 and the Commissions’ *Computer III* tariffing guidelines” and (3) an order directing “AT&T Missouri to issue refunds of over charges for its payphone service offerings.”²

Concurrent with the Petition, MICPA filed a Motion to Hold in Abeyance³ the Petition “pending the outcome of ongoing proceedings in federal court.”⁴

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated above. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

¹ The Midwest Independent Coin Payphone Association’s Petition for Relief under the Commission’s Payphone Order and for Declaratory Ruling, WC Docket No. 13-319, Petition (filed Dec. 26, 2013) (Petition).

² See *id.* at 2 (emphasis in original).

³ The Midwest Independent Coin Payphone Association’s Petition for Relief under the Commission’s Payphone Order and for Declaratory Ruling, WC Docket No. 13-319, Motion to Hold Petition in Abeyance (filed Dec. 26, 2013) (Motion to Hold in Abeyance).

⁴ See *id.* at 1.

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, contact Pamela Arluk of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520 or at pamela.arluk@fcc.gov.

⁵ 47 C.F.R. §§ 1.1200 *et seq.*

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